

SIXTY-FOURTH DAY.

SENATE CHAMBER }
AUSTIN, TEXAS, Thursday, November 30, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Bowers, Dohoney, Ford, Hillebrand, Mills, Parsons, Pickett, Pridgen, Rawson and Saylor.

Absent—excused, Senators Fountain and Latimer.

Senators Hillebrand, Pickett and Saylor appeared and answered to their names. Quorum present.

On motion of Senator Saylor the reading of the journal of yesterday was dispensed with.

Under direction of the President the Secretary returned to the House the following House bills passed by the Senate without amendments: No. 858, "An act to incorporate the Home Insurance and Trust Company of Texas;" No. 823, "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850;" No. 888, "An act to incorporate the Northwestern Texas Land Company."

And for concurrence, Senate bill No. 556, "An act to authorize and empower the corporate authorities of the town of Palestine to extend the streets and alleys of said town to the exterior limits of the corporation, and to lay out and make new streets and alleys within the limits of said corporation."

Message from the House by Chief Clerk, informing the Senate that the House had passed without amendments the following Senate bills: No. 543, "An act granting to Dan Egbert the privilege of constructing and keeping a toll bridge and ferry across the Neches river;" Senate joint resolution No. 48, "Joint resolution to secure a correct index to the general and special laws passed at the present session of the Legislature;" No. 558, "An act to incorporate the Jefferson Real Estate, Trust and Dollar Saving Company;" No. 586, "An act to authorize the county surveyor of Johnson county to transcribe certain record books in his office;" No. 553, "An act for the relief of the heirs of N. A. Bonzano, deceased."

And transmitting for concurrence House bill No. 523, "An act to prohibit taxation on the sale of religious and moral works;" House bill No. 834, "An act to incorporate the Austin and Northwestern Railroad and Telegraph Company;" House bill No. 968, "An act to authorize the City Council of the city of Galveston to

issue and negotiate the bonds of the city of Galveston for the purpose of paying the overdue debts of said city, and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal of said bonds."

And informing the Senate that the House had passed without amendment, Senate bill No. 758, "An act to incorporate the Dollar Savings Bank of Brenham."

And that the House agrees to Senate amendments to House bill No. 787.

Senator Saylor moved to suspend the rules to take from file House bill No. 333, "An act for the relief of Benjamin L. Stramler." Lost.

Senator Hertzberg moved to suspend the rules to take from file House bill No. 770, "An act to amend the seventeenth section of an act entitled 'an act to incorporate the Indianola, San Antonio and El Paso Railroad Company,' passed April 3, 1871."

Senator Pridgen stated that the bill was in his possession for the purpose of making amendments thereto.

On motion of Senator Pettit, the rules were suspended to take from file House joint resolution No. 43, "Joint resolution authorizing the Treasurer of the State of Texas to draw requisition upon the Comptroller for the purpose of negotiating a temporary loan." Read first time and passed to a second reading.

Senator Pettit moved a further suspension of the rules to read the resolution a second time. Lost.

UNFINISHED BUSINESS.

House bill No. 962, "An act to amend 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1869;" read third time and passed.

10:30 o'clock, A. M.

SPECIAL ORDER,

Viz.: House bill No. 855, "An act authorizing and requiring the payment of certain claims against the State." Read second time.

Senator Baker offered the following amendment, and moved its adoption: Amend by inserting after the words "House of Representatives" the words "and Secretary of Senate," and after the word "Speaker," the words "and President of the Senate," and after the word "House" the words "and Senate."

Yeas and nays called for. and the amendment adopted by the following vote :

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Douglas, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pyle, Ruby, Saylor, Shannon, Tendick—17.

Nays—Dohoney, Evans, Pettit, Pickett, Swift—5.

The question being upon the passage of the bill to a third reading, the yeas and nays were called for and the bill passed to a third reading as amended, by the following vote :

Yeas—Mr. President, Baker, Douglas, Gaines, Hall, Parsons, Pettit, Pridgen, Pyle, Ruby, Swift—11.

Nays—Bell, Dillard, Dohoney, Evans, Ford, Hillebrand, Mills, Pickett, Shannon—9.

By leave, Senator Pridgen submitted the following report of the Committee on Enrolled bills :

COMMITTEE ROOM, }
Austin, Nov. 29, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 530, entitled "An act to authorize the lifting or floating of valid land certificates in certain cases;" Senate bill No. 534, entitled "An act for the relief of Ezekiel W. Cullen;" Senate bill No. 511, entitled "An act for the relief of Dillard Cooper; Senate concurrent resolution No. 10, relative to the appointment of a committee for the celebration of the centennial anniversary of the independence of the United States of America, at Philadelphia, Pennsylvania, and to-day at 4 o'clock P. M. presented the same to the Governor for his approval.

Respectfully,

B. J. PRIDGEN, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 29, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate bill No. 513, entitled "An act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate saidtown as the city of Bryan," and to-day at 12 o'clock M. presented the same to the Governor for his approval.

Respectfully,

B. J. PRIDGEN, Chairman.

Reports read and received.

Message from the House by Chief Clerk, transmitting for signature of the President the following enrolled House bills: No. 957, "An act to amend an act entitled 'an act to regulate the times of holding the courts in the Eleventh Judicial District,' approved October 24, 1871;" No. 858, "An act to incorporate the Home and Insurance and Trust Company of Texas;" No. 956, "An act to incorporate the Young Men's Irish Benevolent and Literary Association of Galveston, Texas;" No. 931, "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" No. 249, "An act to incorporate the Galveston and New Orleans Railway Company;" No. 937, "An act to incorporate the Pecos Irrigating Manufacturing and Live Stock Company;" No. 787, "An act to incorporate the Arrow Fast Freight and Transportation Company;" No. 934, "An act to repeal 'an act to authorize the police court of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870;" No. 897, "An act to release the county of Houston from the State tax for the year 1871, for the completion of a court house and jail in said county;" No. 634, "An act to incorporate the Galveston and Eastern Texas Railway Company;" No. 19, "An act to incorporate the Indianola Dredging Company as herein specified;" No. 766, "An act for the relief of certain settlers in Peters's colony;" No. 732, "An act validating certain land certificates;" No. 869, "An act to incorporate the town of Comanche, in Comanche county;" No. 848, "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city;" No. 908, "An act to provide for the division of the records of Refugio and Aransas counties, and their transfer to their proper counties;" No. 851, "An act to amend an act entitled 'an act to establish a ferry across the Brazos river, at or near the mouth of Little Brazos river, in the counties of Burleson and Brazos,' approved May 16, 1871."

Enrolled bills signed by the President and returned to the House.

UNFINISHED BUSINESS,

Viz.: House bill No. 875, "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870."

The question being upon the motion of Senator Bowers to reconsider the vote by which the Senate refused to pass the bill to a third reading,

Senator Dillard moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Bowers and Rawson.

House bill No. 875 laid over under the rules until there should be a full Senate.

On motion of Senator Douglas, the rules were suspended to take from file House bill No. 260, "An act to incorporate the Tyler Tap Railroad Company." Read first time and passed to a second reading.

On motion of Senator Douglas, the rules were further suspended, and the bill read second time and passed to a third reading.

On motion of Senator Douglas, the rules were further suspended, and House bill No. 960 read third time and passed.

By leave, Senator Parsons submitted the following report of the Committee on Judiciary :

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Judiciary to whom was referred House bill No. 552, entitled "An act further regulating juries," after careful consideration instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read and laid over under the rules.

House bill No. 552, read second time and passed to a third reading.

On motion of Senator Bell the rules were further suspended and House bill No. 552 read a third time and passed by the following vote :

Yeas—Mr. President, Baker, Bell, Cole, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Swift, Tendick—18.

Nays—Dillard, Douglas, Evans, Pickett, Shannon—5.

Senator Gaines moved that the Senate stand adjourned to 10 A. M. to-morrow. Motion lost.

Call suspended.

Question recurring on the motion to reconsider the vote on House bill No. 875, by which the Senate refused to pass to a third reading.

Yeas and nays called for and motion carried by the following vote :

Yeas—Mr. President, Baker, Bell, Broughton, Dillard, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Hillebrand, Mills, Pettit, Pickett, Pyle, Saylor, Shannon, Tendick—19.

Nay—Pridgen—1.

Senator Parsons offered the following amendment, which was adopted: Amend by inserting after the words "begin on," "the first Tuesday in December, 1872."

On motion of President Flanagan, the rules were suspended, and House bill No. 875 read third time and passed.

Senator Saylor offered the following resolution, which was adopted:

In view of this day having been designated by the President of the United States as a day of thanksgiving throughout the Nation, and recognizing, as we do, the many blessings that have been vouchsafed to us during the past year, among which are peace, a bountiful harvest and freedom from pestilence; therefore,

Be it resolved, That this Senate stand adjourned until 3 o'clock P. M. of this day.

So the Senate at 11:30 A. M. adjourned to 3 P. M.

AFTERNOON SESSION.

3 o'CLOCK P. M.

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Cole, Ford, Gaines, Hall, Parsons, Pridgen, Rawson, Ruby, Saylor and Shannon.

Absent, excused—Senators Broughton, Douglas, Fountain and Latimer.

Senator Pyle moved to adjourn until 10 A. M. to-morrow.

Yeas and nays called for, and motion to adjourn carried by the following vote:

Yeas—Mr. President, Dillard, Dohoney, Evans, Pickett, Pridgen, Pyle, Swift—8.

Nays—Baker, Bell, Bowers, Hertzberg, Hillebrand, Mills, Pettit, Tendick—8.

So the Senate adjourned to 10 o'clock A. M. to-morrow.
